

REMARKS

The Office Action mailed April 3, 2006 has been carefully reviewed along with the references cited therein. The Examiner indicated that claims 46-68 are withdrawn from further consideration as being drawn to a nonelected species. The Examiner also indicated that the declaration for the subject application is defective. The Examiner rejected claims 1-2, 15-19, 20, 23-26, 28-30, 32-41 and 44-45 under § 102(b) as being anticipated by U.S. Patent No. 5,417,258 ("Privas"). The Examiner rejected claims 21-22 as being unpatentable over Privas in view of U.S. Patent No. 4,530,449 ("Nozawa et al."). The Examiner indicated that claims 3-14, 27, 31 and 42-43 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant appreciates the indication of allowable subject matter.

Interview Summary

A telephone interview was conducted on May 7, 2006 with Applicant's representative and Examiner Philippe Derakshani. The Examiner has reviewed a draft Amendment provided by Applicant's representative that included the claims submitted in this Amendment. He indicated that all claims are in condition for allowance.

Elections/Restrictions

Claims 46-68 have been cancelled without prejudice from the subject application. These claims may be pursued in a divisional application.

Oath/Declaration

A new Declaration in compliance with 37 C.F.R. § 1.67(a) is being submitted with this response.

§ 102 and 103 Rejections

Claim 1 has been amended to include the limitation recited in original claim 3. Original claim 3 was found allowable by the Examiner. Accordingly, claim 1 and those claims that depend from claim 1 are believed to be in condition for allowance.

Claim 29 has been amended to include the limitation originally presented in original claim 31; however, intervening claim 30 has not been added to claim 29. Nevertheless, Applicant still believes claim 29 to define over the references cited by the Examiner.

New Claims

New independent claims 69 and 80 have been added to the application. Claims 69 recites a container for holding a liquid, a pump for pumping the liquid out of the container, an inlet in communication with the pump and the container, an outlet in communication with the pump, a motor for driving the pump, a switch electrically connected to the motor and an associated power source, and a trigger operatively connected to the switch to control power delivered to the motor. Claim 69 further recites "the trigger is positioned in relation to the outlet such that the same hand of a user that actuates the trigger is also positioned to receive liquid from the outlet." This last recitation is similar to original claim 3. Claim 69 is believed to define over the cited references.

Claim 80 is directed to a dispenser for delivering liquid from an associated bottle to a person's hand. The dispenser includes a pump for pumping liquid from the associated bottle, a conduit in fluid communication with the pump and an outlet for the dispenser, a motor operatively connected to the pump for driving the pump, a switch electrically connected to the motor and a power source, and a trigger selectively engaging the switch. Claim 80 recites "wherein the trigger is positioned in relation to the outlet such that the same hand of the person that actuates the trigger is also positioned to receive liquid from the outlet." Claim 80 is believed to be patentable over the cited references.

CONCLUSION

All formal and informal matters having been addressed, it is respectfully submitted that this application is in condition for allowance. If the Examiner is of the view that all of the pending claims of the application are not in clear condition for allowance, it is requested that the Examiner telephone the undersigned for purposes of conducting a telephone interview to resolve any differences. Accordingly, an early notice of allowance is earnestly solicited.

Respectfully submitted,

FAY, SHARPE, FAGAN,
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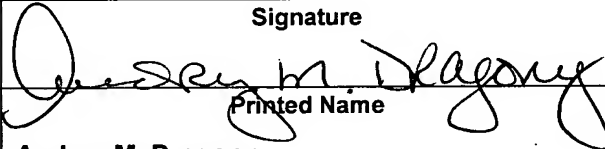
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May 8, 2006
Date

CERTIFICATE OF MAILING OR TRANSMISSION

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☒ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
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